

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**UNUM LIFE INSURANCE
COMPANY OF NORTH AMERICA,**

Plaintiff,

v.

**Civil Action 2:14-cv-2180
Magistrate Judge Elizabeth P. Deavers**

SUSAN NORTON, *et al.*,

Defendants.

ORDER

UNUM Life Insurance Company of America (“UNUM”) filed this interpleader action seeking a judicial determination as to which claimants are the proper beneficiaries under group life insurance policies that were issued as part of an employee welfare benefit plan to Decedent James Kavanaugh (“Decedent”). This Court has subject matter jurisdiction over this interpleader action under the equitable relief provision of the Employee Retirement Income Security Act of 1974. 29 U.S.C. § 1132(a)(3)(B)(ii).

In February 2014, Decedent designated Susan Norton as the beneficiary of the full \$50,000 in proceeds at issue in this action. (Interpleader Compl. ¶¶ 6–7, ECF No. 1.) The plan documents reflect that on June 19, 2014, Decedent changed his beneficiary designation, naming Jamie Kavanaugh (“Jamie”) as the beneficiary of \$30,000 in proceeds and Susan Norton and Lacey Kavanaugh (“Lacey”) as beneficiaries, each of whom were entitled to \$10,000 in proceeds. (*Id.* at ¶ 8.) Decedent died on June 21, 2014. (*Id.* at ¶ 9.) Ms. Norton challenges the June 2014 change in beneficiary designation and asserts that she was the rightful beneficiary to the entirety of the proceeds. (*Id.* at ¶ 10.) Jamie asserts that the June 2014 designations are

correct such that she is entitled to \$30,000 of the proceeds. (*Id.* at ¶ 11–13.) Jamie and Ms. Norton filed answers to UNUM’s Interpleader Complaint and cross-claims against each other and Lacey. (ECF Nos. 9 and 10.) Lacey did not file an Answer or otherwise enter an appearance, prompting Jamie and Ms. Norton for move for default judgment against Lacey. (ECF Nos. 48 and 49.) In addition, Jamie moved for summary judgment as to the validity of the June 2014 change in beneficiaries. (ECF No. 51.)

This matter came before the Court for a settlement conference on September 23, 2015. Jamie and Ms. Norton participated in the mediation. Jamie and Ms. Norton agreed not to object to a Court Order directing disbursement to Lacey for the entire \$10,000 to which she could claim entitlement. Jamie and Ms. Norton further agreed to disbursement of \$26,000 to Jamie and \$14,000 to Susan.

Accordingly, the Clerk is **DIRECTED** to **DISBURSE** the interpleader funds as follows:

- \$26,000 plus prorated interest to Jamie Kavanaugh, 2112 Arlington Avenue, Apt. C, Upper Arlington, OH, 43221.
- \$14,000 plus prorated interest to Susan Norton, check payable to Susan Norton & O’Reilly Law Offices IOLTA Account, 30 Hill Road South, Suite B, Pickerington, OH, 43147;
- \$10,000 plus prorated interest to Lacey Kavanaugh, 285 Johnson Avenue, Frankfort, KY, 40601.

In addition, the Clerk is **DIRECTED** to **TERMINATE** ECF Nos. 48, 49, and 51 as **MOOT** and remove this action from the Court’s pending cases list.

IT IS SO ORDERED.

Date: September 28, 2015

/s/ Elizabeth A. Preston Deavers

ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE